

## **Laboratory Certification Standards Review Council Meeting Minutes From 11/18/2003**

### **Attendance**

Council Members: George Bowman (Vice Chair), Kurt Knuth, Katie Edgington, Randy Herwig, and Jim Kinscher  
DNR Staff: Greg Pils, David Webb, and Rick Mealy  
Others in Attendance: Paul Harris and R.T. Krueger

### **Summary and Action Items**

At this meeting the Certification Standards Review Council:

- Amended and then approved the minutes from their August 20, 2003 meeting
- Reviewed the Laboratory Certification Program's audit, report, and closure totals for the first quarter of FY 2004
- Discussed the manner in which audit summary data and audit priority data can best be communicated.
- Discussed the future of the Program's role in providing training seminars
- Discussed the progress of the NR 149 revision
- Discussed the offering of certification for the analysis of Polynuclear Aromatic Hydrocarbons (PAH) by Selected Ion Monitoring (SIM GC/MS under test category 12).
- Discussed the plan to perform a formal review of the Laboratory Certification & Registration Program.
- Were informed of the potential impact of Assembly Bill AB486
- Discussed the recent EPA decision that disposable BOD bottles meet method requirements.
- Tentatively scheduled the Council's next meeting for Tuesday, February 10, 2004 at the Lodi City Hall

### **Agenda Items**

#### **I. Check in/Agenda Repair**

- A. Council members, DNR staff and Guests were introduced. George Bowman asked to add information regarding recent developments related to disposable BOD bottles as a discussion item.

#### **II. Approval of Previous Meeting's Minutes**

- A. The following amendments were suggested to the draft minutes from the previous meeting:
- Edit the attendance list to reflect that Randy Herwig was not present.
  - Edit section V.B. to reflect that Paul Junio offered the initial comments regarding time investment and funding of LabCert Program training activities.
  - Edit section IV.B. to reflect that a temporary understaffing within the LabCert Program resulted in the Central Office falling short of meeting its goals.
- B. The draft minutes, as amended above, from the Council's August 20, 2003 meeting were approved unanimously.

#### **III. Audit Status – Quarterly Update**

- A. Greg Pils provided the council with a summary of the Laboratory Certification Program's audits' reports, and audit closures for the first quarter of Fiscal Year 2004. The FY 2004 tallies appear in the tables on the following page. Mr. Pils indicated that the numbers speak for themselves and that the LabCert Program is on pace to meet annual goals. David Webb reminded members that the manner in which this information is presented is frequently the subject of discussion, but that the current quarterly/cumulative information format seems to work best. Greg mentioned that a request for comment on the presentation format was made at the previous meeting.

### FY 2004 Quarterly Audit Activity

	1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter
CENTRAL OFFICE				
Audits	10	Audits		Audits
Reports	13	Reports		Reports
Closures	5	Closures		Closures

### REGIONAL

Audits	25	Audits		Audits	
Reports	19	Reports		Reports	
Closures	24	Closures		Closures	

### FY 2004 Cumulative Audit Activity

#### CENTRAL OFFICE

Total Year-to-Date	Annual Goals
Audits	44
Reports	44
Closures	44

### REGIONAL

Audits	25
Reports	19
Closures	24

### Total Labs by Responsibility

CO (Central Office)	132
NO (Northern Region)	31
NE (Northeast Region)	66
WC (West Central Region)	77
SC (South Central Region)	75
SE (Southeast Region)	62
<u>RC (Regional/Central)</u>	<u>10</u>
O (Other/Reciprocity Labs)	14

- B. George Bowman suggested that he found a format presented several years previously to be most informative. The information was structured to include each laboratory's priority for the next routine on-site evaluation. After discussion, it was agreed that once annually the council would receive a report which lists each laboratory sorted in order of priority for the next routine audit. Mr. Pils indicated that he would issue this report to the Council within the next couple of weeks.
- C. David Webb indicated that he hoped to make up for the shortfall from fiscal 2003 yet during this current fiscal year. Webb further explained that a number of out-of-state audits came due during the last fiscal year and that these require more time (due to travel) than in-state audits.
- D. Randy Herwig asked what the program's goals are for its regional component. Greg explained that the

Program's Central Office component sets annual goals of 44 each audits, reports, and closures. The Regional component is somewhat different in that the goal is for regional auditors to inspect each facility in their assigned counties every three years. Consequently, the exact numbers for each regional auditor will vary slightly from year to year. David added that the program's division of labor is evolving in such a way that the separation between the Central Office and Regional components will likely become less discernible in future years as audit responsibilities begin to overlap due to staffing changes. It was determined that the number of labs in the regional program is currently 321, which means an approximate annual goal of 107 [each] for audits, reports, and closures.

- E. Paul Harris inquired about the number of labs that had not been audited in the past three (3) years. Greg Pils responded that there are approximately 10 facilities that hadn't been seen in over 4 years, about 20 or so labs for which it has been between three and four years since the last audit, and a lot of labs right about at the 3-year mark.
- F. Dave Webb wanted to remind the council that John Condron is now responsible for the eastern half of the Northern Region, with Camille Johnson covering the western half out of Eau Claire. Paul Harris asked for clarification of which auditors are responsible for the individual designators presented in the Quarterly Audit Activity Summary handout. Mr. Pils indicated that the Northern Region (NO) is split between John Condron and Camille Johnson. The Northeast (NE) Region is covered by Don Domencich. The West Central (WC) Region is covered by Camille Johnson. The South Central (SC) Region is assigned to Brenda Howald. Finally, John Condron is responsible for the Southeast (SE) and Regional/Central (RC) territories. It was explained that the "RC" designator references a time when counties on the western edge of the Northeast region and those on the eastern fringe of the West Central Region were assigned to John Condron, working out of the Central Office. The "RC" designator currently reflects only those facilities in Fond du Lac county. Greg further explained that with the exception of South Central Region, regional auditors' territories cross over Department Regional boundaries. Lab assignments are made on a county, rather than strict regional boundary, basis.
- G. Paul Harris stated that over the past five years a lot of effort had been put into training for Regional Auditors and asked if staff were still getting together regularly for these types of activities. Dave Webb responded that the Program is not doing as well in that area, reminding council members that staffing issues in response to the Department budget decisions are somewhat responsible for that. Greg Pils pointed out that while there may be a reduction in hands-on training, bi-weekly staff meetings are held in the Central Office, with all but one staff member participating either in person or via teleconference. Greg further explained that he is looking to move the two Programs together, and that these biweekly staff meetings are a forum to review audit findings and discuss interesting questions raised to us that cause us to re-think our practices. As far as consistency, this meeting does a good job of improving that.
- H. R.T. Krueger questioned the consistency of Regional auditors performing audits of commercial laboratories, citing a recent situation regarding a small commercial lab that had been cited for sample preservation violations, had the audit case closed, and then recently a DNR engineer allegedly discovered similar sample preservation violations. Greg Pils responded that he was indirectly familiar with the situation and pointed out that there is not much any auditor can do if a lab presents sufficient documentation to suggest that deficiencies have been addressed. To some extent there must be a level of trust that the laboratory will not abandon corrective action practices once the audit has been closed out. Mr. Pils further explained that the system worked as it should in this case. An investigation of the concern was made, and it was determined that the laboratory genuinely did not understand the full extent of its obligations with respect to documenting sample preservation anomalies in this particular situation.

At the conclusion of the discussion, Mr. Krueger asked if there was a review on audit reports prepared by Regional auditors. Dave Webb responded that no such review policy was in effect at this time. Mr. Krueger then followed his question with a recommendation that, at the minimum, Regional auditor reports of commercial laboratories undergo a similar review to that required for Central Office auditors' reports. Greg Pils responded that the comment was well taken and that the Program would certainly consider it.

- I. Paul Harris stated that he personally found it objectionable to bring another laboratory's practices into question in this forum, but that there is no other appropriate forum. Recognizing that basin engineers routinely visit our facilities, Mr. Harris inquired about the possibility of the LabCert Program developing some type of checklist of some critical laboratory items that they could review during annual inspections. Webb indicated that it might be possible, but due to current workloads in the Watershed Management Program, it would be difficult for those folks and may come back to LabCert. Mr. Webb further explained

that he recognized that the lines of responsibility between LabCert and the basin engineers was blurred to a large extent. He indicated that he would continue working towards integrating LabCert into the Permits Program, and realistically would like to be involved in annual Watershed meetings.

The discussion further progressed with ideas of integrating some things into Jack Saltes' CMAR program. To close the discussion, Dave Webb committed to meeting with Watershed staff to see how LabCert can work better together with that program as soon as he gets more clarity in terms of the LabCert staff situation. By way of summarizing the discussions, Jim Kinscher asked if the Council would like LabCert central office auditors review reports [of commercial lab audits performed by Regional auditors] or would the Council prefer to work with the other DNR Programs as a remedy. Greg Pils stated that in this specific instance, having the report reviewed would not have affected the outcome. This was a case of "back-sliding" after closure. Additionally, in that Regional auditors generally work off of report templates with "canned" language, consistency is generally not an issue.

Both Mr. Kinscher and R.T. Krueger stated that if the population of commercial labs that would be audited by Regional auditors is small and thus does not represent a significant workload, then implementing a review of these audit reports is a good idea. Katie Edgington echoed this sentiment. George Bowman asked if the Council needed to formally make such a recommendation. Dave Webb responded with a commitment to think about whether to change the Regional report generation system.

#### **IV. LabCert Program Staffing Changes**

- A. Dave Webb announced that Donalea Dinsmore has transferred to a position in a different capacity within the Bureau of Air Management. In the short term, this translates to a vacancy in LabCert. Related to budget fallout, this position was immediately frozen, but Webb has recently been successful in "unfreezing" the position. He is in the midst of taking the next steps, which are not clear at the moment due to uncertainties regarding current DNR workforce reduction activity. In any event, filling the position will likely have a domino effect on other things, and most certainly would have ramifications on the Septage Certification Program. Responding to R.T. Krueger's concern, Mr. Webb indicated that low-level mercury issues should be directed to his attention.

#### **V. Training**

- A. Dave Webb indicated that there was really nothing to report in this area until questions regarding staffing could be answered. He expressed hope that once some of these larger issues are addressed, the Program can get back on track with respect to training.
- B. George Bowman reported that he had received significant feedback from the ICP training recommending an annual session be held. With the addition of Martin Schaeffer to the SLH staff, the SLH now has access to a dual-view ICP instrument and a wealth of knowledge in the terms of Schaeffer's nationally recognized expertise in trace metal work. George hoped to begin work on a one-day training session beginning in January and asked if the group felt that was a good plan. Paul Harris responded that not only was it a good plan, but that it was critical.

R.T. Krueger stated that training is critical as he is seeing significant difference in analytical results for a particular sample for a specific metal, depending upon the analytical technique employed. Krueger suggested that the SLH should consider sending out a "difficult" sample matrix for labs to analyze prior to any training session and then discuss the results during the session. Bowman indicated that DeWayne Kennedy-Parker would be sending out an updated survey in the near future. Krueger suggested that Paul Junio, the new WELA president, be contacted regarding the possibility for some training assistance funding.

- C. Bowman also reported that a demonstration of the new SEAL discrete analyzer was held this week at the SLH. George is working to secure an agreement to obtain one of these instruments for more detailed beta testing, and culminating in offering a basic training session using the instrument.

#### **VI. NR 149 Revision**

- A. David Webb stated that the next meeting is scheduled for Thursday November 20, and he felt certain that this would be the last one. The next step would be for LabCert to draft Code language, a process anticipated to take a number of months. He was uncertain whether the draft Code would be brought before the Advisory Committee before approaching the Natural Resources Board with a Green Sheet package to request authorization to go to public hearing. He anticipates that by the end of calendar year 2004, we

would go forward with from three (3) to five (5) public hearings at locations around the state. Assuming that we will receive some comments, it will take some number of months to adequately address all the comments, culminating in approaching the Natural Resources Board for approval (to adopt the rule) sometime in 2005.

- B. George Bowman indicated that he would like to have a session with the Advisory Committee at which the Committee developed a unified set of comments before LabCert goes before the Natural Resources Board. Dave Webb stated that between now and when LabCert approaches the Board requesting authorization to go to public hearing is the time for disagreement. It is his desire that if an issue needs to be worked out, we work it out at this stage. Greg Pils added that all parties need to clearly raise any concerns now to ensure a speedy process.

Katie Edgington understood that the Advisory committee would be receiving comments from the Municipal Environmental Group (MEG) at this Thursday's (Nov. 20, 2003) Advisory Committee meeting. She expressed concern that details of the process were not to be distributed, but had to have been in order for this organization to present detailed comments. Dave Webb responded that it is difficult to strike a balance between sharing information and holding back. He further indicated that historically, the rule process has not fared well when draft Code language is shared outside of Advisory Committees.

- C. Dave Webb closed the discussion by reminding Council members that they know their specific constituency, and therefore should have some idea of whether or not any particular rule amendment will be palatable. If not, now is the time to speak up and resolve the concern.

## VII. Other Business/Council Member Items

- A. Greg Pils informed the Council that the LabCert Program has decided to offer specific certification for the analysis of Polynuclear Aromatic Hydrocarbons (PAH) by Selected Ion Monitoring (SIM) Gas Chromatography/Mass Spectrometry (GC/MS) under test *category 12 (Organics; Semivolatiles by Gas Chromatography/Mass Spectrometry)*. There are a number of laboratories currently certified for category 12 that have requested this specification, and there are at least two laboratories that already have received certification to perform PAHs by SIM GC/MS under test category 19.

There will be no additional cost to laboratories currently certified for test category 12, and the cost for test category 12 certification is the same as that associated with PAHs by SIM GC/MS under category 19. Correspondence will be sent to all laboratories currently certified either under test category 12 or those laboratories already certified for this parameter under category 19. For a limited period of time, we will offer to add this test to the certifications of these laboratories without charge. A completed application form would be required, but the application fee would be waived. The only specific requirement for annual renewal will be to analyze a "low level" PAH reference sample—essentially the same type of sample currently required to renew certification for PAHs by Liquid Chromatography.

- B. Greg Pils presented an outline of a plan to conduct a formal review of the Laboratory Certification & Registration Program to be completed by Summer 2004. This project is geared towards identifying both strengths and areas for improvement within the Program. The project will be a facilitated process involving LabCert staff, LabCert Council members, key representatives from covered programs, and external partners (e.g., WELA). Examples of key questions to address include: "What services do you want [the LabCert Program] to provide?" and "Where isn't [the LabCert Program] meeting your needs?"

R.T. Krueger asked whether the information being sought would be solicited via survey. Pils indicated he was more interested in face-to-face discussions, but a survey was being considered. Katie Edgington asked what the driving force behind this decision, and why it was being done at this time. Mr. Pils responded that the timing is appropriate in that the Program is at a crossroads following staff reductions. He added that Dave Webb has had this in mind for some time. The Program is on the cusp of a rule change, which will culminate in many things.

Ms. Edgington expressed concern that due to the rule change, the review might change a year from now. Pils clarified that he did not envision a singular effort, but rather establish a plan to review and revisit the Program annually. He sees the planned Program review as providing a snapshot of where we are now rather than as a plan of action. The review would not be designed to change the overall direction of the Program, but rather to serve as a companion to the rule. As an example, Mr. Pils touched on the information item regarding our plans to offer

certification for PAHs by SIM GC/MS. Rather than asking the question, “Did the administration of PAHs by SIM GC/MS progress well?”, we will be asking, “Are we able to administer certification for the types of analyses our customers require?”.

R.T. Krueger indicated that he thought this was a fantastic idea, but cautioned that it needs to be kept simplistic. He commended the existing Program for its ability to successfully integrate external input into effective results. He noted that in some cases, similar ventures result in enormous workplans and countless measuring sticks that actually impede change.

Paul Harris asked if this was an internal decision, or is it being driven by external pressures. Dave Webb responded that this is 100% an internal decision. Greg Pils added that a priority is to identify performance measures, and that it is incumbent upon us to check in on it. Historically, the Program has operated via fits and spurts of policy development that was not always in concert with rule development. He emphasized closure by summer of 2004.

The discussion was closed with Webb’s suggestion that Mr. Pils generate something more detailed for the Council Members to disseminate to their constituency.

- C. Greg Pils briefly informed the Council that the Assembly recently passed AB486 and part of it affects the LabCert Program. AB486 specifies that the Department has 30 days to review any applications for licensure/certification and inform the applicant of any missing information or the application fee is to be refunded.
- D. George Bowman presented letters from EPA Region IV and from Bill Telliard, EPA - Director of Analytical Methods, regarding their position that Environmental Express’ single-use PET-coated (i.e., disposable) BOD bottles be allowed for use with EPA-approved BOD methods. Background discussion ensued regarding the language in the 20<sup>th</sup> edition of Standard Methods, which specifies the use of glass bottles.

R.T. Krueger asked if the LabCert Program allows use of these bottles. David Webb responded that he couldn’t say at this time, that he would need to discuss the issue with the Legal Department. He further offered that if these bottles do not represent a change in data quality and we [there are no legal barriers] we’ll allow them.

## **VIII. Future Meeting Dates**

- A. The next Council meeting was tentatively scheduled for Tuesday, February 10, 2004 at the Lodi City Hall.